

# FEDERAL REGISTER



VOLUME 5

1934

NUMBER 226

Washington, Wednesday, November 20, 1940

## The President

### EXECUTIVE ORDER

#### ORDERING CERTAIN UNITS AND MEMBERS OF THE NATIONAL GUARD OF THE UNITED STATES INTO THE ACTIVE MILITARY SERVICE OF THE UNITED STATES

By virtue of the authority conferred upon me by Public Resolution No. 96, 76th Congress, approved August 27, 1940, and the National Defense Act of June 3, 1916, as amended (39 Stat. 166), and as Commander-in-Chief of the Army and Navy of the United States, I hereby order into the active military service of the United States, effective on the dates respectively indicated below, the following units and members of the National Guard of the United States to serve in the active military service of the United States for a period of twelve consecutive months, unless sooner relieved:

#### UNITS

Effective November 18, 1940, all federally recognized elements of the 56th Cavalry Brigade.

Effective November 25, 1940, all federally recognized elements of:

31st Division  
36th Division

192d Tank Battalion  
106th Cavalry  
128th Field Artillery  
147th Field Artillery  
214th Coast Artillery (AA)  
102d Radio Intelligence Company  
101st Observation Squadron  
152d Observation Squadron  
106th Observation Squadron  
111th Observation Squadron  
112th Observation Squadron

#### MEMBERS

All members, both active and inactive, of the units listed above.

All persons so ordered into the active military service of the United States are, from the effective dates indicated above, relieved from duty in the National Guard of their respective States so long as they

shall remain in the active military service of the United States, and during such time shall be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army whose permanent retention in the active military service is not contemplated by law.

Commissioned officers and warrant officers appointed in the National Guard of the United States and commissioned or holding warrants in the Army of the United States, and affected by this order, are hereby ordered to active duty under such appointments and commissions or warrants.

Each officer and warrant officer of the National Guard, appointed in the National Guard, who shall have been federally recognized or examined and found qualified for federal recognition, and shall have been assigned to a unit ordered to active duty under this order prior to the effective date of induction of such unit, who does not hold an appointment in the National Guard of the United States in the same grade and arm or service in which he has been most recently federally recognized or has been most recently examined and found qualified for federal recognition, is hereby tendered appointment in the National Guard of the United States in the same grade and arm or service in which he shall have been most recently federally recognized or examined and found qualified for federal recognition.

Each warrant officer and enlisted man of the National Guard, assigned to a unit ordered to active duty under this Order, who shall have been examined and found qualified for appointment as an officer in the National Guard of the United States, under the provisions of Section 111, National Defense Act, as amended, and who shall not have been appointed in the National Guard of the United States in the grade for which examined and found qualified prior to the effective date of induction of his unit, is hereby tendered appointment in the National Guard of the United States and commission in the Army of the United States, in the same grade and arm or service for

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the *FEDERAL REGISTER* will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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4th Grade—Sergeants 83,615

5th Grade—Corporals 95,033

6th Grade—Privates, 1st Class 304,397

7th Grade—Privates, the number of whom will be such that when added to the number of enlisted men above Grade Seven and to the authorized number of flying cadets the total will not exceed the enlisted pay strength of the Army appropriated for by the "Military Appropriation Act, 1941", approved June 13, 1940, the "First Supplemental National Defense Appropriation Act", approved June 26, 1940, and the "Third Supplemental National Defense Appropriation Act", approved October 8, 1940.

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which he shall have been so examined and found qualified.

Each warrant officer and enlisted man of the National Guard who holds appointment as an officer in the National Guard of the United States and a commission in the Army of the United States, or who is tendered such appointment and commission by the terms of this Order, and who is assigned to a unit ordered to active duty under this Order prior to the effective date of induction of such unit, is hereby ordered to active military service as a commissioned officer of the Army of the United States under that appointment and commission.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
November 16, 1940.

[No. 8594]

[F. R. Doc. 40-4983; Filed, November 19, 1940; 11:52 a. m.]

#### EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 8502 OF AUGUST 3, 1940, PRESCRIBING REGULATIONS GOVERNING THE GRADES AND RATINGS OF ENLISTED MEN OF THE REGULAR ARMY FOR THE FISCAL YEAR 1941

By virtue of and pursuant to the authority vested in me by the Act of June 20, 1936, 49 Stat. 1554, Executive Order No. 8502 of August 3, 1940,<sup>1</sup> prescribing regulations governing the grades and ratings of enlisted men of the Regular Army for the fiscal year 1941, is hereby amended so that, effective November 18, 1940 and during the remainder of the fiscal year 1941, the grades and ratings of the enlisted men of the Regular Army shall be as set forth herein and the number of enlisted men in the several grades and ratings, including selective-service trainees assigned to Regular Army units, shall not exceed the number specified herein:

<sup>1</sup> 5 F.R. 2767.

1. The several grades and the maximum number of enlisted men therein shall be as follows:

	Number
1st Grade—Master Sergeants	7,894
2nd Grade—1st Sergeants and Technical Sergeants	20,914
3rd Grade—Staff Sergeants	37,768
4th Grade—Sergeants	83,615
5th Grade—Corporals	95,033
6th Grade—Privates, 1st Class	304,397

7th Grade—Privates, the number of whom will be such that when added to the number of enlisted men above Grade Seven and to the authorized number of flying cadets the total will not exceed the enlisted pay strength of the Army

appropriated for by the "Military Appropriation Act, 1941", approved June 13, 1940, the "First Supplemental National Defense Appropriation Act", approved June 26, 1940, and the "Third Supplemental National Defense Appropriation Act", approved October 8, 1940.

2. Specialists rating and the maximum number of enlisted men therein shall be as follows:

	Number
1st Class	7,180
2nd Class	11,146
3rd Class	36,421
4th Class	66,503
5th Class	55,568
6th Class	150,203

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
November 18, 1940.

[No. 8595]

[F. R. Doc. 40-4984; Filed, November 19, 1940; 11:52 a. m.]

#### EXECUTIVE ORDER

MODIFYING EXECUTIVE ORDER NO. 3825 OF APRIL 14, 1923, AND SETTING APART CERTAIN LANDS FOR AVIATION FIELD PURPOSES

#### ALASKA

By virtue of and pursuant to the authority vested in me by the act of March 12, 1914, 38 Stat. 305, 307 (U.S.C., title 48, sec. 303), and the act of June 25, 1910, 36 Stat. 847 (U.S.C., title 43, sec. 141), as amended by the act of August 24, 1912, 37 Stat. 497 (U.S.C., title 43, sec. 142), it is ordered as follows:

SECTION 1. Executive Order No. 3825 of April 14, 1923, withdrawing and reserving certain lands in Alaska for townsite purposes, is hereby modified to the extent, and only to the extent, necessary to permit the Department of Commerce to use the following-described townsite lots for aviation-field purposes:

##### *Acreage Addition to Nenana Townsite*

Blocks 87, 88, 95, 96, 97, 98, 101, 102, 104, 105, and 106, U. S. Survey No. 1503, 198.09 acres.

SECTION 2. The following-described tract of public land adjoining the aforesaid townsite lots is hereby reserved and

set apart for the use described in section 1 hereof:

*Fairbanks Meridian*

T. 4 S., R. 8 W., sec. 25, W $\frac{1}{2}$ NW $\frac{1}{4}$ , 80 acres.

SECTION 3. This order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,

November 18, 1940.

[No. 8596]

[F. R. Doc. 40-4985; Filed, November 19, 1940; 11:52 a. m.]

**EXECUTIVE ORDER**

**ESTABLISHING SITKA NAVAL AIRSPACE RESERVATION AND KODIAK NAVAL AIRSPACE RESERVATION**

**ALASKA**

By virtue of the authority vested in me by the provisions of section 4 of the Air Commerce Act approved May 20, 1926 (44 Stat. 568, 570, U.S.C., title 49, sec. 174), the air-spaces over the hereinafter-described areas in the Territory of Alaska and over the territorial waters within the three-mile limits adjacent thereto are hereby set apart and reserved as naval airspace reservations, for purposes of the national defense and other governmental purposes; such reservations to be known as "Sitka Naval Airspace Reservation" and "Kodiak Naval Airspace Reservation", respectively.

*Sitka Naval Airspace Reservation*

All of Joponski Island situated immediately west of the City of Sitka, Alaska, and that part of Sitka Bay lying south of Joponski Island and west of the main channel described by metes and bounds as follows: Beginning at the southeast point of Joponski Island at angle point No 7 of the meanders of the U. S. Survey No. 1496; thence east approximately 12.00 chains to the center of the main channel; thence south 45° east along the main channel approximately 20.00 chains; thence south 45° west approximately 9.00 chains to the southeastern point of Aleutski Island; thence south 79° west approximately 40.00 chains to the southern point of Fruit Island; thence north 60° west approximately 50.00 chains to the southwestern point of Joponski Island at angle point No. 35 of the U. S. Survey No. 1496; thence easterly with the meanders of Joponski Island to the point of beginning including Charcoal, Aleutski, Harbor, Alice, Love, Fruit Islands, and a number of smaller unnamed islands, and containing a total land and water area of approximately 195 acres, being the same area described in Executive Order No. 8216, dated July 25, 1939.

*Kodiak Naval Airspace Reservation*

The eastern portion of Kodiak Island described by metes and bounds as fol-

lows: Beginning at a point at Latitude 57°47'0" north, Longitude 152°26'30" west, thence,

W to Lat. 57°47'0" N, Long. 152°36'0" W  
S to Lat. 57°44'30" N, Long. 152°36'0" W  
SW to Lat. 57°42'0" N, Long. 152°38'0" W  
S to Lat. 57°39'30" N, Long. 152°38'0" W  
E to Lat. 57°39'30" N, Long. 152°30'0" W  
NE to Lat. 57°42'0" N, Long. 152°26'0" W  
N to Lat. 57°44'0" N, Long. 152°26'0" W  
NW to Lat. 57°47'0" N, Long. 152°26'30" W

to the point of beginning, being the same area described in Executive Order No. 8278, dated October 28, 1939.

At no time shall any aircraft, other than public aircraft of the United States, be navigated into, within, or through Sitka Naval Airspace Reservation or Kodiak Naval Airspace Reservation, unless authorized by the Secretary of the Navy.

The provisions of the preceding paragraph shall be enforced by the Secretary of the Navy, with the cooperation of the local law enforcement officers of the United States and of the Territory of Alaska, and the Secretary of the Navy is hereby authorized to prescribe such regulations as may be necessary to carry out such provisions.

Any person who shall violate any of the provisions of this order relating to Sitka Naval Airspace Reservation and Kodiak Naval Airspace Reservation will be subject to the penalties prescribed by the Civil Aeronautics Act of 1938 (52 Stat. 973).

This order shall take effect ninety days after the date hereof.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
November 18, 1940.

[No. 8597]

[F. R. Doc. 40-4986; Filed, November 19, 1940; 11:53 a. m.]

**EXECUTIVE ORDER**

**RESERVING CERTAIN PUBLIC LANDS AS ADMINISTRATIVE SITES FOR THE CABEZA PRIETA GAME RANGE AND THE KOFA GAME RANGE**

**ARIZONA**

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. The following-described public lands, in Pima and Yuma Counties, Arizona, comprising 80 acres, more or less, are hereby withdrawn from settlement, location, sale, or entry, and re-

served, subject to valid existing rights, for the use of the Department of the Interior as administrative sites for the Cabeza Prieta Game Range and the Kofa Game Range:

*Gila and Salt River Meridian*

T. 12 S., R. 6 W., sec. 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; T. 4 N., R. 19 W., sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

SECTION 2. The reservation made by this order supersedes so far as any of the above-described lands are affected the temporary withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
November 18, 1940.

[No. 8598]

[F. R. Doc. 40-4987; Filed, November 19, 1940; 11:53 a. m.]

**EXECUTIVE ORDER**

**TRANSFERRING THE USE, POSSESSION, AND CONTROL OF CERTAIN PROPERTY TO THE TENNESSEE VALLEY AUTHORITY**

**MISSISSIPPI**

WHEREAS certain electric transmission facilities and substation facilities constructed by the War Department for use in connection with the construction of the Sardis Dam in Panola County, Mississippi, are no longer needed by the War Department; and

WHEREAS it appears that the use, possession, and control of the said facilities, and certain easements and rights-of-way necessary to the use thereof or incidental thereto, are needed by the Tennessee Valley Authority for its purposes as stated in the Tennessee Valley Authority Act of 1933 (48 Stat. 58):

NOW, THEREFORE, by virtue of the authority vested in me by section 7 of the Tennessee Valley Authority Act of 1933 (48 Stat. 63), it is ordered as follows:

1. There are hereby transferred to the Tennessee Valley Authority the use, possession, and control of certain electric transmission facilities in Lafayette, Panola, and Pontotoc Counties, Mississippi, and certain substation facilities in Panola County, Mississippi, such facilities being more particularly described as follows:

(a) The three-phase, H-frame wood pole, 44,000-volt transmission line beginning at the 44-kv substation under the control of and operated by Tennessee Valley Authority at Pontotoc, Pontotoc County, Mississippi, and extending in a slightly northwesterly direction, south of the community of Thaxton and north of the community of Toccopola, both in Pontotoc County, Mississippi, for a distance of approximately 13.59 miles (being here and hereafter pole line miles) to the Pontotoc County-Lafayette County line, and from thence extending in a northwesterly and then westerly direction across Lafayette County, Mississippi,

south of the Town of Oxford in said County, for a distance of approximately 24.56 miles to the Lafayette County-Panola County line and from thence continuing in a slightly northwesterly direction and terminating, after a total distance of approximately 45.72 miles, at the substation described in paragraph 2 hereof which is located on property of the United States now under the control of the War Department near the Sardis Dam in Panola County, Mississippi, including all poles, towers, structures, anchors and guys, crossarms, pole hardware and fixtures, insulators, cables, conductors, wires, and all other appurtenant fixtures, equipment, and facilities, all land easements, rights-of-way, leases, and other rights and interests in land (but excluding all land and easements and rights therein relating to property of the United States under the control of the War Department in respect of the Sardis Reservoir) and all governmental and other rights, privileges, franchises, permits, authorizations, and consents used, held for use, or acquired in connection with said transmission line.

(b) The 44/13.8/4.15-kv substation, known as the Sardis Dam Substation, located on property of the United States under the control of the War Department near the Sardis Dam in Panola County, Mississippi, including the condenser and control house appurtenant thereto, the furniture and condenser room ventilating fan therein, and all circuit breakers, disconnecting switches, power transformers, auto-transformers, condenser voltage regulators, potential and current transformers, busses, cables, bus and switch structures, conduits, wiring, switchboard panels, meters, relays, controls, auxiliary apparatus, fencing, and all other appurtenant machinery, equipment, and facilities used, held for use, or acquired in connection with said substation, and further including all land, easements, rights-of-way, leases, and other rights and interests in land (but excluding all land and easements and rights therein relating to property of the United States under the control of the War Department in respect of the Sardis Reservoir) and all governmental and other rights, privileges, franchises, permits, authorizations, and consents used, held for use, or acquired in connection with said substation.

2. There are hereby transferred to the Tennessee Valley Authority such easements, rights-of-way, and other rights, including rights of ingress and egress over lands of the United States under the control of the War Department in respect of the Sardis Reservoir, as may be required by the Tennessee Valley Authority for the construction, operation, and maintenance of additional transmission facilities or additional substation equipment and facilities as will not interfere with the operations of the United States acting through the War Department or with the operation of any other agency of the

United States which may be lawfully utilizing such property in conjunction with the activities of the War Department.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
November 18, 1940.

[No. 8599]

[F. R. Doc. 40-4988; Filed, November 19, 1940;  
11:53 a. m.]

### Rules, Regulations, Orders

#### TITLE 8—ALIENS AND CITIZENSHIP

##### CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[First Supplement to General Order No. C-21.]

##### PART 29—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT OF 1940

AMENDED REGULATIONS GOVERNING THE EXEMPTION OF FOREIGN GOVERNMENT OFFICIALS AND MEMBERS OF THEIR FAMILIES FROM REGISTRATION AND FINGERPRINTING IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

NOVEMBER 14, 1940.

Pursuant to the authority contained in sections 37 (a), 34 (a), and 32 (c) of Title III of the Act of June 28, 1940, (Alien Registration Act, 1940; 54 Stat. 670) and to the powers conferred by § 90.1, Title 8, Code of Federal Regulations (5 F.R. 3503), paragraph (h) of § 29.1 of said Title 8, Code of Federal Regulations (5 F.R. 2837) is hereby amended so as to read as follows:

§ 29.1 Persons required to register and be fingerprinted.

(h) No foreign government official, or member of his family, shall be required to register or to be fingerprinted.

(1) The term "foreign government official", as used in the Alien Registration Act, 1940, and in this part, shall be construed to mean:

(i) Foreign diplomatic officers eligible to appear in the Diplomatic List issued monthly by the Department of State;

(ii) Foreign consular officers of career;

(iii) Employees of diplomatic missions;

(iv) Employees of foreign consular offices;

(v) Other officials of foreign governments who are in the United States in an official capacity, including commissioned officers, on active duty, of the military, naval and air forces of foreign countries; and including official delegates to international conventions and official conferences and their staffs, attendants, and employees;

(vi) Foreign government officials who, are in the United States as temporary

[5 F.R. 2836.]

visitors or in transit through the United States:

Provided, however, In all such cases, except those of ambassadors and ministers, that within thirty days after the arrival of any such foreign government official, or his employment as a foreign government official, in the United States the Department of State is notified by the appropriate diplomatic mission, on an official form supplied by the Department of State of the full name of such official, together with such other information as the Department of State deems appropriate, and that the Department of State accepts such notification as satisfactory and recognizes the status claimed; and provided further that a claim of exemption as a foreign government official in behalf of any alien shall operate to terminate any status as a permanent resident theretofore acquired by such alien for immigration and naturalization purposes.

(2) The term "member of his family", as used in the Alien Registration Act, 1940, and in this part, shall be construed to include a relative by blood or marriage who is regularly residing in, or is a member of, the household of a foreign government official. It shall also be construed to include a servant or other domestic employee residing as an employee in the household of a foreign government official; provided that within thirty days after the arrival or employment in the United States of any such servant or employee the Department of State is notified by the appropriate diplomatic mission, on an official form supplied by the Department of State of the full name of such servant or employee, together with such other information as the Department of State deems appropriate, and that the Department of State accepts such notification as satisfactory and recognizes the status claimed; and provided further that a claim of exemption as a member of the family of a foreign government official in behalf of any alien shall operate to terminate any status as a permanent resident theretofore acquired by such alien for immigration and naturalization purposes.

(3) Any person who, having had the status in the United States of a foreign government official or member of his family, shall cease to maintain such status, shall within thirty days of such cessation apply for registration and to be fingerprinted. (Sections 37 (a), 34 (a) and 32 (c), Act of June 28, 1940; 54 Stat. 670)

HENRY M. HART, Jr.,  
Special Assistant to the Attorney  
General, In Charge pro tem, Immig-  
ration and Naturalization Service.

Approved:

ROBERT H. JACKSON,  
Attorney General.

[F. R. Doc. 40-4967; Filed, November 18, 1940;  
3:35 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

## CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3535]

## PART 3—DIGEST OF CEASE AND DESIST ORDERS

## IN THE MATTER OF RELIABLE SALES SERVICE COMPANY

§ 3.99 (a) *Using or selling lottery devices—Devices for lottery selling.* Selling, etc., in connection with offer, etc., in commerce, of sales promotion cards or any other merchandise, sales promotion cards, or any other articles of merchandise, so designed and arranged that their use by retail merchants constitutes, or may constitute, the operation of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Reliable Sales Service Company, Docket 3535, November 2, 1940]

§ 3.99 (a) *Using or selling lottery devices—Devices for lottery selling.* Supplying, etc., in connection with offer, etc., in commerce, of sales promotion cards or any other merchandise, others with sales promotion cards or sales promotion plans or schemes, or any other articles of merchandise, which are, or may be, used without alteration or rearrangement thereof, to conduct a lottery, game of chance or gift enterprise when distributed to the consuming public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Reliable Sales Service Company, Docket 3535, November 2, 1940]

§ 3.99 (a) *Using or selling lottery devices—Devices for lottery selling.* Furnishing, etc., to dealers, in connection with offer, etc., in commerce, of sales promotion cards or any other merchandise, display posters or circulars or other advertising literature bearing legends or statements informing the public as to the manner in which sales promotion cards or other lottery devices are to be, or may be, distributed and used, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Reliable Sales Service Company, Docket 3535, November 2, 1940]

## In the Matter of Joseph Saladoff, an Individual Trading as Reliable Sales Service Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of November, A. D. 1940.

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Randolph Preston, an Examiner of the Commission theretofore duly designated by it, in support of

the allegations of said complaint (respondent having offered no proof in opposition thereto), brief filed herein by counsel for the Commission (respondent having filed no brief and oral argument having been waived), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Joseph Saladoff, an individual trading as Reliable Sales Service Company, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of sales promotion cards, or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing sales promotion cards, or any other articles of merchandise, so designed and arranged that their use by retail merchants constitutes, or may constitute, the operation of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to, or placing in the hands of, others sales promotion cards or sales promotion plans or schemes, or any other articles of merchandise, which are used, or which may be used, without alteration or rearrangement thereof, to conduct a lottery, game of chance or gift enterprise when distributed to the consuming public;

(3) Furnishing or supplying to dealers display posters or circulars or other advertising literature bearing legends or statements informing the public as to the manner in which sales promotion cards or other lottery devices are to be or may be distributed and used.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-4993; Filed, November 19, 1940;  
11:56 a. m.]

[Docket No. 3893]

## PART 3—DIGEST OF CEASE AND DESIST ORDERS

## IN THE MATTER OF HEIFLER AND JACKSON

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any

means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' "Morgan's Pomade" or other similar preparation, which advertisements represent, directly or through implication, that said product is not a tint or dye, that its application causes the hair to change its color without dyeing, that use thereof will restore the original color to gray hair, that its application supplies to the hair shaft the materials in which gray hair is deficient, that use thereof prevents the hair from falling out, that, when applied to the hair and scalp, it penetrates into the roots of the hair and enriches the hair, or that it is a competent and effective cure or remedy for dandruff, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, as modified by striking portion, Heifler and Jackson, Docket 3893, November 5, 1940]

## In the Matter of Rose Heifler and Fred Jackson, Individuals Doing Business Under the Firm Name of Heifler and Jackson

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of November, A. D. 1940.

This matter coming on to be heard by the Commission upon the request of respondents that the order to cease and desist<sup>1</sup> entered herein on April 15, 1940, be modified by striking a certain portion thereof, and it appearing that the modification of said order in the respects requested is in the public interest, and the Commission having duly considered said request and the record herein and being now fully advised in the premises;

*It is ordered*, That the cease and desist order entered herein on April 15, 1940 be modified by striking therefrom the following language appearing in the last four lines thereof:

"or which advertisements fail to reveal that the application of 'Morgan's Pomade' to tender, injured or broken skin may result in serious injury to the health of the user."

*It is further ordered*, That except as herein modified said order to cease and desist remain in full force and effect.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-4995; Filed, November 19, 1940;  
11:58 a. m.]

[Docket No. 4086]

## PART 3—DIGEST OF CEASE AND DESIST ORDERS

## IN THE MATTER OF IDEAL CANDY NOVELTIES CO., INC., ET AL.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc.,

<sup>1</sup> 5 F.R. 1559.

in connection with offer, etc., in commerce, of candy or other merchandise, candy or any merchandise so packed and assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ideal Candy Novelties Co., Inc., et al., Docket 4086, November 1, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with assortments of candy or other merchandise or any lottery devices, which are to be, or may be, used to conduct a game of chance, gift enterprise or lottery scheme in the sale or distribution of said candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ideal Candy Novelties Co., Inc., et al., Docket 4086, November 1, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with packages or assortments of candy composed of individually wrapped pieces of candy of uniform size and shape and of different colors, together with articles of merchandise or larger pieces of candy which are to be, or may be, given as prizes to the purchasers procuring pieces of said candy of a particular color, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ideal Candy Novelties Co., Inc., et al., Docket 4086, November 1, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ideal Candy Novelties Co., Inc., et al., Docket 4086, November 1, 1940]

*In the Matter of Ideal Candy Novelties Co., Inc., a Corporation, and Abraham Aronoff and Rose Aronoff, Individually, and as Officers of Ideal Candy Novelties Co., Inc.*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 1st day of November, A. D. 1940.

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening

procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered.* That the respondent Ideal Candy Novelties Co., Inc., a corporation, its officers, Abraham Aronoff and Rose Aronoff, individually, and as officers of Ideal Candy Novelties Co., Inc., its and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling and distributing candy or any merchandise so packed and assembled that sales of such candy or other merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of others, assortments of candy or other merchandise or any lottery devices, which are to be used, or which may be used, to conduct a game of chance, gift enterprise or lottery scheme in the sale or distribution of said candy or other merchandise to the public;

(3) Supplying to or placing in the hands of others for sale to the public, packages or assortments of candy composed of individually wrapped pieces of candy of uniform size and shape and of different colors, together with articles of merchandise or larger pieces of candy which are to be, or may be, given as prizes to the purchasers procuring pieces of said candy of a particular color.

(4) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

*It is further ordered.* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-4994; Filed, November 19, 1940;  
11:58 a. m.]

Docket No. 4133]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MANCHESTER SILVER COMPANY ET AL.

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception: § 3.69 (c) (2.5) Misrepresenting oneself and goods—Prices—Exaggerated as regular and customary: § 3.69 (c) (5) Misrepresenting oneself and goods—Prices—Usual as reduced or to be increased: § 3.72 (n) Offering deceptive inducements to purchase—Special offers.*

In connection with offer, etc., in commerce, of sterling silver flatware, and on the part of respondent Manchester Silver Company, its officers, etc., and respondent individuals, their representatives, etc., (1) representing (a) as the customary or regular retail prices for such products, prices which are in fact fictitious and in excess of the prices at which said products are regularly and customarily offered for sale and sold, or (b) that the regular price of any article of said silverware is in excess of the price at which such article is customarily offered for sale and sold; or (2) using or supplying to wholesalers, retailers and others purchasing said silverware for resale, for use (a) in connection with the sale of said silverware, purported wholesale, retail or other price lists, when such lists contain fictitious prices which are in excess of the price at which said silverware is regularly and customarily offered for sale and sold, or (b) in connection with special sales of said silverware, any price list which does not correctly set forth the true price at which said silverware is customarily offered for sale and sold; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Manchester Silver Company et al., Docket 4133, November 6, 1940]

*In the Matter of Manchester Silver Company, a Corporation; and Frank S. Trumbull, Franz S. Tiderman, and Edward B. Palmer, Individually and as Officers of Manchester Silver Company, a Corporation*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1940.

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents and a stipulation as to the facts entered into between the respondents herein and W. T. Kelley, Chief Counsel for the Federal Trade Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order to cease and desist disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that the said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered.* That the respondents Manchester Silver Company, a corporation, its officers, representatives, agents and employees, and Frank S. Trumbull, Franz S. Tiderman, and Edward B. Palmer, their representatives, agents and employees, directly or through any cor-

<sup>1</sup> 5 F.R. 3188.

porate or other device, in connection with the offering for sale, sale and distribution of sterling silver flatware, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing as the customary or regular retail prices for such products prices which are in fact fictitious and in excess of the prices at which said products are regularly and customarily offered for sale and sold;

(2) Using, or supplying to wholesalers, retailers and others purchasing said silverware for resale for use in connection with the sale of said silverware, purported wholesale, retail or other price lists, when such lists contain fictitious prices which are in excess of the price at which said silverware is regularly and customarily offered for sale and sold;

(3) Representing that the regular price of any article of said silverware is in excess of the price at which such article is customarily offered for sale and sold;

(4) Using, or supplying to wholesalers, retailers and others purchasing such silverware for resale for use, in connection with special sales of said silverware, any price list which does not correctly set forth the true price at which said silverware is customarily offered for sale and sold.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-4991; Filed, November 19, 1940;  
11:56 a. m.]

[Docket No. 4170]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF AMERICAN LEAD PENCIL COMPANY ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* Entering into, continuing, carrying out or attempting to continue or carry out, by any method or means, any contracts, agreement or understanding, either written or verbal, the purpose or effect of which is to fix and maintain uniform prices at which rubber typewriter erasers are to be sold, or to fix the terms and conditions governing the sale of rubber typewriter erasers in commerce as commerce is defined in the Federal Trade Commission Act.

pany and five other corporate manufacturers of said product, respondents herein, their officers, etc., prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b). [Cease and desist order, American Lead Pencil Company et al., Docket 4170, November 6, 1940]

*In the Matter of American Lead Pencil Company, a Corporation; Eagle Pencil Company, Inc., a Corporation; Joseph Dixon Crucible Company, a Corporation; Eberhard Faber Pencil Company, Inc., a Corporation; Weldon Roberts Rubber Company, a Corporation; and A. W. Faber, Inc., a Corporation*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answers of the respondents, American Lead Pencil Company, a corporation, Eagle Pencil Company, Inc., a corporation, Joseph Dixon Crucible Company, a corporation, Eberhard Faber Pencil Company, Inc., a corporation, Weldon Roberts Rubber Company, a corporation; and A. W. Faber, Inc., a corporation, in which answers respondents admit all the material allegations of fact set forth in said complaint concerning respondents' acts and practices in making public bids on rubber typewriter erasers for the period between November 10, 1935, and April 10, 1938, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, American Lead Pencil Company, a corporation, Eagle Pencil Company, Inc., a corporation, Joseph Dixon Crucible Company, a corporation, Eberhard Faber Pencil Company, Inc., a corporation, Weldon Roberts Rubber Company, a corporation, and A. W. Faber, Inc., a corporation, their respective officers, agents, servants and employees, or any of them, do forthwith cease and desist from entering into, continuing, carrying out or attempting to continue or carry out, by any method or means, any contract, agreement or understanding, either written or verbal, the purpose or effect of which is to fix and maintain uniform prices at which rubber typewriter erasers are to be sold, or to fix the terms and conditions governing the sale of rubber typewriter erasers in commerce as commerce is defined in the Federal Trade Commission Act.

*It is further ordered*, That the respondents shall each, within sixty (60) days after service upon them of this order,

file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. D. Doc. 40-4992; Filed, November 19, 1940;  
11:56 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS UNDER THE SECURITIES ACT OF 1933 AND THE SECURITIES EXCHANGE ACT OF 1934

SPECIAL REQUIREMENT AS TO INSURANCE COMPANIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, and the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said Acts, hereby amends § 210.4-09<sup>1</sup> [Rule 4-09] of Part 210 [Regulation S-X] to read as follows:

§ 210.4-09 *Special requirement as to insurance companies.* (a) Except as provided in paragraph (b) of this rule, the statements of an insurance company shall not be consolidated or combined with the statements of any person.

(b) The statements of an insurance company other than a life insurance company may be consolidated if all of the following conditions exist:

(1) the insurance company is a totally held subsidiary of the top parent included in the consolidation;

(2) such top parent is not an insurance company, investment company, or bank holding company;

(3) the insurance company engages in no business of a material amount other than the insuring of risks arising in the ordinary course of business of such top parent and its other subsidiaries;

(4) separate financial statements for the insurance company are filed.

Effective November 19, 1940.  
By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-4990; Filed, November 19, 1940;  
11:54 a. m.]

TITLE 30—MINERAL RESOURCES  
CHAPTER III—BITUMINOUS COAL  
DIVISION

[Docket No. A-332]

PART 330—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 10

PETITION OF BLACK EAGLE COAL COMPANY  
FOR THE ESTABLISHMENT OF PRICES FOR  
SHIPMENT BY RAILROAD FROM MINE INDEX  
654 (BLACK EAGLE COAL COMPANY), DIS-  
TRICT 10

*Order Granting Temporary Relief and  
Conditionally Providing for Final Relief*

A petition, accompanied by a request for temporary relief, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed by the Black Eagle Coal Company, a Code Member of District 10, with this Division requesting the establishment of effective minimum prices for the coals of petitioner's mine, Mine Index 654, for shipment by rail into all market areas.

Prices for shipment by truck have been established for the coals of this mine, but no prices for shipment by rail have been established therefor. It appears from the above-mentioned petition that petitioner has used a loading ramp on the Toledo, Peoria & Western Railroad at Canton, Illinois, for the last eight years for loading coal for rail shipment, although it failed so to indicate during the course of the proceedings in General Docket No. 15.

*Now, therefore, it is ordered* That the petition for temporary relief is granted as follows: Commencing forthwith, the f. o. b. mine prices for Mine Index 654, District 10, shall be the same as the prices provided for the mines in Price Group 25 and Freight Origin Group 94 in the Schedule of Effective Minimum Prices for District 10 for All Shipments Except Truck (Part 330) and shall be subject to the same adjustments in f. o. b. mine prices for differences in freight rates as are therein provided for other mines in Freight Origin Group 94 having the same freight rates as Mine Index 654; and on shipments for railroad locomotive fuel, the f. o. b. mine prices for Mine Index 654 shall be \$2.00 per ton for mine run and \$1.40 per ton for screenings.

*It is further ordered*, That applications to stay, terminate or modify this temporary order, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five (45) days hereof, pursuant to the rules and regulations governing practice and procedure before the Division pursuant to section 4 II (d) of the Act, and that this order and the relief herein granted shall become final sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated, November 18, 1940.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 40-4977; Filed, November 19, 1940;  
11:45 a. m.]

TITLE 49—TRANSPORTATION AND  
RAILROADS

CHAPTER I—INTERSTATE  
COMMERCE COMMISSION

ORDER IN THE MATTER OF ANNUAL RE-  
PORTS FROM STEAM RAILWAY COMPANIES  
AND SWITCHING AND TERMINAL COMPANIES  
OF CLASS I AND CLASS II

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 12th day of November, A. D. 1940.

The subject of the requirements of annual reports from steam railway companies and switching and terminal companies of Class I and Class II being under consideration:

*It is ordered:*

1. That the order of this Commission dated January 13, 1940, In the Matter of Annual Reports from Steam Railway Companies and Switching and Terminal Companies of Class I and Class II, is hereby annulled.

2. That all steam railway companies and switching and terminal companies of Class I and Class II within the scope of Section 20, Part I of the Interstate Commerce Act be, and they hereby are, required to file annual reports for the year ended December 31, 1940, and for each succeeding year until further order, in accordance with Annual Report Form A (Large and Medium Steam Roads and Switching and Terminal Companies), which is hereby approved and made a part of this order.<sup>1</sup>

*It is further ordered*, That the annual report shall be filed in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 1.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 40-4972; Filed, November 19, 1940;  
10:54 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-15141 (3483)]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CONTINENTAL MOTORS  
CORPORATION

Contract for: \* \* \* R-670-5 Aeronautical Engines and Data. Amount: \$1,090,894.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances

<sup>1</sup> Filed as a part of the original document.

of which are sufficient to cover cost of same:

AC 33 P 12 3037 A 0705.002-01— \$523,350.00  
AC 26 P 81 3037 A 0705-01— 567,544.00

This Contract, entered into this 17th day of July 1940.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver to the Government all of the articles and data as set forth more particularly in Article 16 hereof, in accordance with negotiations entered into between the Government and the Contractor based upon bid of the Contractor submitted in its letters dated June 3, 1940, and June 14, 1940, respectively; for the consideration stated, One Million Ninety Thousand Eight Hundred Ninety-Four Dollars (\$1,090,894.00), payable upon final inspection, delivery to and acceptance by the Government of the articles called for under the terms of Article 16 hereof, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The Contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 16. *Articles and supplies called for and payment therefor.* The Contractor shall furnish and deliver to the Government all of the following articles, to wit:

Item 1. \* \* \* Engines, Aircraft.  
Item 2 (a) \* \* \* vandykes of bill of material.

(b) \* \* \* vandykes of drawings and data lists covering the articles called for under the terms of Item 1 of this Article.

(c) \* \* \* Manuscript Copy of Handbook of Instructions.

Item 3. Breakdown, complete, carbon backed, of component parts of the aeronautical engines called for under the terms of Item 1 of this Article.

ART. 20. *Option.* The Government further reserves the right and option at any time within ninety (90) days from and after date of approval of this contract to require the Contractor to furnish and deliver to the Government spare parts for the aeronautical engines called for under the terms of Item 1 of Article 16 hereof.

ART. 23. *Termination when contractor not in default.* If, in the opinion of the Contracting Officer upon the approval of The Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the Contracting Officer to the contractor.

It is expressly understood and agreed by both parties hereto that the contractor hereby agrees:

To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 8 per centum of the total contract prices, of such contracts within the scope of the law as are completed by the particular contracting party within the income taxable year.

This contract authorized under the provisions of paragraph 4g (1), A.R. 5-240.

HUGH B. HESTER,  
Lieut. Col., Quartermaster Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 40-4966: Filed, November 18, 1940;  
2:55 p. m.]

[W 535 AC-15366 (3550)]

SUMMARY OF CONTRACT FOR PRIMARY  
FLYING TRAINING AND INSTRUCTION  
CONTRACTOR: PARKS AIR COLLEGE, INC.

This contract, entered into this 11th day of July, 1940, by the *United States of America*, hereinafter called the Government, represented by the contracting officer executing this contract, and *Parks Air College, Inc.*, a corporation organized and existing under the laws of the State of Delaware, of the city of East St. Louis, in the State of Illinois hereinafter called the contractor.

*Scope of this contract.* The contractor shall furnish primary flying training and instruction in the operation of airplanes, including ground instruction, as prescribed in Program of Instruction, Elementary Flying Training for military students to be given in Civil Flying Schools, a copy of which is made a part hereof and designated Appendix A, to such personnel of the Regular Army as

may be detailed by the Secretary of War for a period of \* \* \* weeks unless extended by written authority of the contracting officer or sooner terminated as hereinafter provided; the number of military students matriculated in any one class not to exceed \* \* \* and not more than \* \* \* classes to be in training at any one time.

The Government agrees to issue to military students in training under this contract such of the following items of supplies and equipment as it may determine to be available and necessary for such training:

- (a) Textbooks.
- (b) Flying clothing.
- (c) Helmets.
- (d) Goggles.
- (e) Parachutes.
- (f) Mechanic's suits.

The Government agrees to lend to the contractor, pursuant to the authority contained in section 4 of the Act of April 3, 1939, (Public No. 18, 76th Congress, First Session), and subject to the terms and conditions hereinafter set forth, \* \* \* training type airplanes for use in the instruction and training to be furnished under this contract and, at the option of the Government, to lend to the contractor, subject to the same terms and conditions, such additional airplanes, airplane parts, aeronautical equipment and accessories for the Air Corps, on hand and belonging to the Government as may be available and as may appear to the Government to be required for instruction, training, and maintenance purposes.

*Payments.* For the complete and faithful performance of the services called for under the terms of this contract the Government agrees to pay the Contractor an estimated sum not exceeding One Million Ten Thousand Five Hundred Sixty Three and 20/100 Dollars (\$1,010,563.20).

The Contractor shall be paid, upon the submission of properly certified invoices or vouchers, the price stipulated herein for services rendered less deductions, if any, as herein provided.

The Contracting Officer may, from time to time, authorize partial payments for training furnished by the Contractor; provided, that such partial payments shall not exceed the sum of the product of Seventeen Dollars Fifty Cents (\$17.50) and the total flying hours instruction that shall have been given by the Contractor in Government-overhauled aircraft and the product of Twenty Three Dollars Ten Cents (\$23.10) and the total flying hours instruction that shall have been given by the Contractor in Contractor-overhauled aircraft.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 40-P94-2240-A-0705-01, the avail-

able balance of which is sufficient to cover cost of same.

If in the opinion of the Contracting Officer, upon approval of the Secretary of War, the best interest of the Government so requires, this contract may be terminated by the Government even though the Contractor be not in default, by notice in writing relative thereto from the Contracting Officer to the contractor.

This contract authorized under the provisions of Sections 2 and 4, Act of April 3, 1939.

NEAL H. MCKAY,  
Major, Quartermaster Corps,  
Assistant to the Director  
of Purchases and Contracts.

[F. R. Doc. 40-4998: Filed, November 19, 1940;  
11:59 a. m.]

[Contract No. W 6579-QM-51 (O.I. #81)]

SUMMARY OF CONTRACT FOR CONSTRUCTION  
CONTRACTOR: MANHATTAN CONSTRUCTION  
COMPANY, MUSKOGEE, OKLAHOMA

Contract for: Constructing and completing \* \* \* Standard ammunition magazines, amount: \$1,452,850.00.

Place: Savanna Ordnance Depot, Proving Ground, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 8711 P1-3211 A0540.063-N, C. of B. U. & A., No Year, the available balance of which is sufficient to cover the cost of same.

This Contract, entered into this 20th day of July, 1940.

*Statement of work.* The contractor shall furnish the materials, and perform the work for constructing and completing \* \* \* Standard Ammunition Magazines at Savanna Ordnance Depot, Proving Ground, Illinois, for the consideration of One Million Four Hundred Fifty-Two Thousand, Eight Hundred Fifty and no/100 Dollars (\$1,452,850.00), in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

*Changes.* The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

*Delays—Damages.* If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government, may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay.

*Payments to contractors.* Unless otherwise provided in the specifications, partial payments will be made as the

work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

This contract is authorized by the Military Appropriation Act, 1941, Public No. 611, 76th Congress, Approved June 13, 1940.

NEAL H. MCKAY,  
Major, Quartermaster Corps,  
Assistant to the Director  
of Purchases and Contracts.

[F. R. Doc. 40-4996; Filed, November 19, 1940;  
11:58 a. m.]

[Contract No. W 535 ac-15865 (3737)]

**SUMMARY OF CONTRACT FOR SUPPLIES**

CONTRACTOR: THE HEIL CO.

Contract for: Semitrailers, trailer converter dollies, spare parts, and data, amount: \$2,114,594.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 30-P85-3059-A-0705-01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 26th day of September 1940.

**ARTICLE 1. Scope of this contract.** The contractor shall furnish and deliver to the Government all of the articles and data as set forth more particularly in Article 16 hereof, for the consideration stated, Two Million One Hundred Fourteen Thousand Five Hundred Ninety Four Dollars (\$2,114,594.00) payable on final inspection, delivery to and acceptance by the Government of the articles called for in Article 16 hereof at the unit prices indicated therefor in said Article 16, subject to the discount set forth in Article 18 hereof, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**ART. 2. Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**ART. 5. Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**ART. 8. Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**ART. 16. Articles and data called for and prices therefor.** The Contractor shall furnish and deliver to the Government all of the following articles:

Item 1 \* \* \* Trailers, Semi, Tank, 2,000 Gallon Capacity, 2-wheel (2dt), for type F-2 Fuel Servicing Trucks.

Item 2 \* \* \* Dollies, Trailer Converter, for type F-2 Fuel Servicing Trucks.

Item 3 Spare parts for the Trailers, Semi, Tank, 2,000 Gallon Capacity as called for under Item 1 hereof.

The contractor shall likewise furnish and deliver to the Government, but without additional cost therefor, engineering data covering the articles called for under paragraph (1) of this Article.

**ART. 18. Discount.** All or any payments made under the terms of this contract shall be subject to a discount of one-tenth of one percent ( $\frac{1}{10}$  of 1%) of the amount or amounts stipulated if payment of the invoice is made within ten (10) calendar days after date of delivery of the articles invoiced. Time will be computed from date of the delivery of the supplies to carrier, when final inspection and acceptance are at point of origin, or from date of delivery at destination or port of embarkation, when final inspection and acceptance are at those points, or from date correct bill or voucher, properly certified by the Contractor, is received if the latter date is later than the date of delivery.

**ART. 22. Options.** (1) The Government is granted the right and option at any time within forty-five (45) days after date of approval of this contract to increase the quantity or quantities of articles called for under the terms of Items 1 and 2 of Article 16 hereof.

(2) The Government reserves the further right and option at any time within ninety (90) days after date of approval of this contract to increase the quantity or quantities of the articles called for hereunder at not more than the unit prices stated by any amount that would not exceed fifty percent (50%) of the entire contract price stipulated.

**ART. 23. Termination when contractor not in default.** If, in the opinion of the

Contracting Officer upon the approval of The Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the Contracting Officer to the contractor.

This contract authorized under Act of March 5, 1940.

NEAL H. MCKAY,  
Major, Quartermaster Corps,  
Assistant to the Director  
of Purchases and Contracts.

[F. R. Doc. 40-4997; Filed, November 19, 1940;  
11:58 a. m.]

**DEPARTMENT OF THE INTERIOR.**

Bituminous Coal Division.

[Docket No. A-243]

**PETITION OF DISTRICT BOARD 23 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 23 NOT HERETOFORE CLASSIFIED AND PRICED**

**NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF**

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter be held, under the applicable provisions of said Act, and the rules and regulations of the Division, on December 2, 1940, at 10 o'clock a. m. (eastern standard time) in a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

*It is further ordered*, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or

entities having an interest in these proceedings and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 (II) (d) of the Act, setting forth the facts on the basis of which the relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 26, 1940. The matter concerned herewith is in regard to the establishment of effective minimum prices for the coals of certain mines, hereinafter named, located in District No. 23, for which coals price classifications and minimum prices have not heretofore been established.

All persons are hereby notified that the hearing in the above-entitled matter

and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

*It is further ordered.* That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, with the coals referred to in the schedule hereto annexed, marked "Temporary Supplement No. 4 to Price Schedule No. 1, District No. 23," and made part hereof, shall be subject to minimum prices as provided in said schedule.

Notice is hereby given that applications and minimum prices have not heretofore been established.

Insert the following according to Sub-District.

temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to Section 4 (II) (d) of the Bituminous Coal Act of 1937.

Dated: November 13, 1940.

[SEAL] H. A. GRAY,  
Director.

**Temporary Supplement No. 4 to Price Schedule No. 1, District No. 23**

Notes: The material in this Supplement is to be read in the light of the instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto. Effective as of November 13, 1940 and continuing until further order of the Director.

The following temporary changes shall be made in Price Schedule No. 1 for District No. 23:

The following Code member names, mine names, mine index numbers, County, price group and price page references shall be inserted in proper alphabetical order:

Producer	Mine	Mine Index No.	County	Price group	Price
Storey, W. E. (Cle Elum Superior Coal Co.) -	Superior	149	Kittitas	A	
Sunburst Coal Co., Inc.	Sunburst	147	Lewis	C	
Talbot Mining Company (John S. Mathven)	Talbot	150	King	F	9

Code member	Mine	County	Size groups																						
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
SUB-DISTRICT "A"																									
Storey, W. E. (Cle Elum Superior Coal Co.)	Superior	Kittitas	300	480	460	450	440	430	420	410	400	390	380	370	360	350	340	330	320	310	300	290	280	270	
SUB-DISTRICT "B"																									
Sunburst Coal Co., Inc.	Sunburst	Lewis	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	525	
SUB-DISTRICT "C"																									
Talbot Mining Company (John S. Mathven)	Talbot	King	465	465	425	425	425	425	425	425	425	425	425	425	425	425	425	425	425	425	425	425	425	425	

[F. R. Doc. 40-4970; Filed, November 19, 1940, 10:25 a. m.]

[Docket No. A-146] with this Division by the above-named party;

**PETITION OF DISTRICT BOARD 16 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS OF THE RUSSELL MINE, CROWN MINE AND FIRESTONE MINE**

**NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF**

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed

Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered.* That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the

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recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 22, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the revising of the Effective Minimum Price Schedule for District No. 16 to provide for modifications of the effective minimum prices established for coal produced at the Russell Mine, Crown Mine and the Fireside Mine.

The Director having considered such petition and a reasonable showing of necessity for temporary relief having been made;

*It is hereby ordered*, That, pending the final disposition of the petition in the above-entitled matter, temporary relief be and the same hereby is granted as set forth in Temporary Supplement No. 4 to Schedule of Effective Minimum Prices for District No. 16 attached hereto and made a part hereof.

Notice is hereby given that application to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 14, 1940.

[SEAL]

H. A. GRAY,  
Director.

*Temporary Supplement No. 4 to Price Schedule No. 1 of Effective Minimum Prices for District No. 16*

**NOTE:** The material in this Supplement is to be read in the light of the instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto. Effective as of November 14, 1940, and continuing until further order of the Director.

The following temporary changes shall be made in Price Schedule No. 1 for District 16:

Ko-Z Coal Co., Fireside Mine (Index No. 124) shall be listed as Sub-District No. 5 instead of Sub-District No. 4.

Russell Coal Company, the William E., Crown Mine—(Mine Index No. 133) shall be listed as Sub-District No. 4 instead of Sub-District No. 5.

Prices listed for Sub-District No. 8—Frederick—shall be as follows for coals from the Russell Mine (Mine Index No. 18) of Code member William E. Russell Coal Co.:

Size groups	1	2	3	4	5	6	8	9	10	11	12	13
	395	345	345	395	345	325	290	240	190	180	160	295

Ko-Z Coal Co., Fireside Mine shall be listed under Sub-District No. 5 instead of Sub-District No. 4 and the coals priced as follows:

Size groups	1	2	3	4	5	6	8	9	10	11	12	13
	465	415	415	465	415	395	340	290	205	205	185	355

Russell Coal Co., The William E., Crown Mine, shall be listed under Sub-District No. 4 instead of Sub-District No. 5 and the coals priced as follows:

Size groups	1	2	3	4	5	6	8	9	10	11	12	13
	475	425	425	475	425	400	355	290	215	205	185	360

Prices listed under Sub-District 8 for Russell Coal Co., William E., Russell Mine, shall be as follows:

Size groups	1	2	3	4	5	6	8	9	10	11	12	13
	445	395	395	445	395	375	340	265	215	205	185	345

[F. R. Doc. 40-4969; Filed, November 19, 1940; 10:25 a. m.]

[Docket No. A-280]

PETITION OF DISTRICT BOARD 22 FOR ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES IN DISTRICT NO. 22 NOT HERETOFORE CLASSIFIED AND PRICED

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter be held, under the applicable provisions of said Act, and the

rules and regulations of the Division, on December 2, 1940, at 10 o'clock a. m. (eastern standard time) in a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

*It is further ordered*, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to admin-

ister oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 26, 1940.

The matter concerned herewith is in regard to the establishment of effective minimum prices for the coals of certain mines, hereinafter named, located in District No. 22, for which coals price classifications and minimum prices have not heretofore been established.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

*It is further ordered.* That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be and it hereby is granted as follows: Commencing forthwith, the coals referred to in the schedule marked "Temporary Supplement No. 4 to Price Schedule No. 1, District No. 22", annexed hereto and made part hereof, shall be subject to minimum prices as provided in said schedule.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division and proceedings instituted pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 14, 1940.

[SEAL]

H. A. GRAY,  
Director.

*Temporary Supplement No. 4 to Price Schedule No. 1, District No. 22*

**NOTE:** The material in this Supplement is to be read in the light of the instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto. Effective as of November 14, 1940 and continuing until further order of the Director.

The following temporary changes shall be made in Price Schedule No. 1 for District No. 22:

Insert the following Code member listings in proper alphabetical order:

Producer	Mine	Mine Index No.	County	Sub- dist. price group	Prices, truck
Almond, Richard & George Galbavy	Blue Pony	281	Chouteau	7	12
Almond, Richard & George Galbavy	Georges	101	Chouteau	7	12

Insert the following listings and prices in proper order under Sub-District No. 7:

Producer	Mine	County	Size groups				
			1	2	5	9	10
Almond, Richard & George Galbavy	Blue Pony	Chouteau	425	400	350	150	100
Almond, Richard & George Galbavy	Georges	Chouteau	425	400	350	150	100

[F. R. Doc. 40-4971; Filed, November 19, 1940; 10:25 a. m.]

[Docket No. 23-FD]

**APPLICATION OF THE AMERICAN ZINC AND  
CHEMICAL COMPANY**

**ORDER GRANTING RENEWAL OF EXEMPTION**

The American Zinc and Chemical Company, applicant herein, having on July 10, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the applicant, or produced and transported by the applicant to itself for consumption by it in the operation of its zinc and chemical plant; and

The Commission having on June 6, 1938, entered an order pursuant to such application in Docket No. 23-FD, ordering that the provisions of section 4 II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by the applicant at its mine at Langeloth, Washington County, Pennsylvania, and consumed by it in the operation of its zinc and chemical plant located at Langeloth, Washington County Pennsylvania, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937; and

The Director of the Bituminous Coal Division, having on December 18, 1939, entered an order in Docket No. 23-FD, renewing the exemption granted to the applicant by said order of June 6, 1938: *Providing, however,* That said order of June 6, 1938, and the exemption granted thereby shall automatically terminate and expire, unless the applicant should, on or before November 18, 1940, file an application for renewal of said order; and

Applicant, on November 12, 1940, having filed with the Bituminous Coal Di-

vision a verified application for renewal of said order, which application contains a statement of the quantity of coal produced by the applicant during the year preceding the filing of the application for renewal, at its mine located at Langeloth, Washington County, Pennsylvania, and the portion thereof which is consumed by applicant in its zinc and chemical plant at Langeloth, Washington County, Pennsylvania, and which application also contains a statement that all of the facts set forth in the application of July 10, 1937, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order dated June 6, 1938, continue to exist;

*It is ordered*, That the above-entitled application filed by the applicant for renewal of said order, dated June 6, 1938, be and the same is hereby granted:

*Provided, however*, That said order of June 6, 1938, and the exemption granted thereby shall automatically terminate and expire:

1. Unless the applicant, at the expiration of six months from the date of this order, and at the expiration of each six-month period thereafter, files with the Director a verified report containing the following information which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

(a) The full name and business address of the applicant and the name and location of the mine covered by this application;

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(b) The total tonnage of bituminous coal produced by the applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by the applicant, and the nature and purpose of such consumption;

(d) A statement that all of the facts set forth in the original application for exemption filed July 10, 1937, remain true and correct.

2. Unless the applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant or factory or other facilities at which the coal is consumed;

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order.

*It is further ordered*, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the applicant to show cause why the exemption granted by the order of June 6, 1938, should not be terminated. Any persons filing such a petition shall serve a copy thereof upon the applicant herein.

Dated: November 18, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-4980; Filed, November 19, 1940;  
11:46 a. m.]

[Docket No. 29-FD]

APPLICATION OF THE PITTSBURGH STEEL COMPANY

ORDER GRANTING RENEWAL OF EXEMPTION

The Pittsburgh Steel Company, Applicant herein, having on June 10, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it in its manufacture of coke; and

The Commission having, on August 31, 1938, entered an order pursuant to such application, in Docket No. 29-FD, ordering that the provisions of section 4, II, (1) of the Bituminous Coal Act of 1937 do apply to the bituminous coal produced by the Applicant at its Thompson No. 1, Thompson No. 2 and Tower Hill No. 2 mines in Fayette County, Pennsylvania which is consumed by the Applicant in the manufacture of coke, and that such coal shall not be deemed subject to the provisions of section 4 of the Bituminous Coal Act of 1937; and

The Director of the Bituminous Coal Division, having on December 7, 1939, entered an order in Docket No. 29-FD,

renewing the exemption granted to the Applicant by said order of August 31, 1938: *Providing, however*, That said order of August 31, 1938, and the exemption granted thereby shall automatically terminate and expire, unless the Applicant should, on or before November 7, 1940, file an application for renewal of said orders; and

Applicant having, on November 7, 1940, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantity of coal produced by the Applicant during the period between August 31, 1939 and the date of the filing of the application for renewal, at its mines located in Fayette County, Pennsylvania, and the portion thereof which was consumed by Applicant in its manufacture of coke, and which application also contains a statement that all of the facts set forth in the application of June 10, 1937, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order of August 31, 1938, continue to exist;

*It is ordered*, That the application filed by the Applicant for renewal of said order dated August 31, 1938, be and the same is hereby granted;

*Provided, however*, That said order of August 31, 1938, and the exemption granted thereby shall automatically terminate and expire:

1. Unless the Applicant, at the expiration of six months from the date of this order, and at the expiration of each six-month period thereafter, files with the Director a verified report containing the following information which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant and the name and location of the mine or mines covered by this application;

(b) The total tonnage of bituminous coal produced by the Applicant during the preceding six months at such mine or mines;

(c) The total tonnage of such production which was consumed by the Applicant, and the nature and purpose of such consumption;

(d) A statement that all of the facts set forth in the original application for exemption filed June 10, 1937, remain true and correct.

2. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine or mines from which the coal in question was produced, or in the ownership of the plant or factory or other facilities at which the coal is consumed;

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order.

*It is further ordered*, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of August 31, 1938, should not be terminated. Any persons filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, November 18, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-4982; Filed, November 19, 1940;  
11:46 a. m.]

[Docket No. A-42]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10 FOR PRELIMINARY AND PERMANENT ORDER PROVIDING FOR THE COORDINATION OF PRICES FOR OFF-LINE RAILROAD FUEL FOR CERTAIN CODE MEMBERS OF DISTRICT NO. 10

MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

The original petition in the above-entitled matter prays that a temporary order be issued granting the relief requested pending final disposition of the matter.

The Director, by order dated October 10, 1940, scheduled a final hearing in this matter for November 12, 1940 at 10 a. m., at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW, Washington, D. C. The Director, by memorandum opinion and order concerning temporary relief, dated October 14, 1940, granted the temporary relief requested in the above-entitled matter except with respect to the Black Arrow Mine (Mine Index No. 9) Peabody Coal Company, on shipments of railroad locomotive fuel to the Missouri Pacific Railroad.

Petitioner has filed a motion for further consideration of the matter with respect to the Black Arrow Mine of the Peabody Coal Company.

The Director having considered petitioner's supplemental pleading and the allegations of fact contained therein and being of the opinion that a reasonable showing of necessity for the granting of temporary relief, as hereinafter provided, has been made;

*Now therefore it is ordered*, That pending final disposition of the above-entitled matter, the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck, be and the same hereby is amended, to become effective forthwith, as follows: Railroad locomotive fuel Price Exception No. 13, Page 46 of said schedule is modified to read:

"The producer may absorb the actual switching charge but not to exceed \$6.20 per car on railroad locomotive fuel for

the C. B. & Q. R. R. and Missouri Pacific Railroad."

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated, November 18, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-4979; Filed, November 19, 1940;  
11:45 a. m.]

[Docket No. 45-FD]

APPLICATION OF THE BIRMINGHAM WATER WORKS

ORDER GRANTING RENEWAL OF EXEMPTION

The Birmingham Water Works Company, Applicant herein, having on June 14, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it in its business of supplying water for domestic and industrial use to the City of Birmingham, Alabama, and adjacent territory within the State of Alabama; and

The Commission having on June 6, 1938, entered an order pursuant to such application in Docket No. 45-FD, ordering that the provisions of section 4, II, (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by Applicant and consumed by it, in the business of supplying water for domestic and industrial use to the City of Birmingham, Alabama, and territory adjacent thereto, within the State of Alabama, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and;

The Director of the Bituminous Coal Division, having on December 19, 1939, entered an order in Docket No. 45-FD renewing the exemption granted to the Applicant by said Order of June 6, 1938, providing however, that said order of June 6, 1938 and the exemption granted thereby should automatically terminate and expire, unless the Applicant should, on or before November 19, 1940, file an application for renewal of said order; and

Applicant having on November 12, 1940, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantity of coal produced by the Applicant during the year preceding the filing of the application for renewal at its mine located in

Jefferson County, Alabama, and the portion thereof which was consumed by Applicant in its operations in supplying water for domestic and industrial use to the City of Birmingham and adjacent territory within the State of Alabama; and

The Director having determined that the conditions supporting the exemption granted by the order of June 6, 1938, continue to exist;

*It is ordered*, That the application filed by the Applicant for renewal of said order dated June 6, 1938, be and the same is hereby granted;

*Provided however*, That the said order of June 6, 1938, and the exemption granted thereby, and this renewal of said order shall automatically terminate and expire;

1. Unless the Applicant, at the expiration of six months from the date of this Order, and at the expiration of each six-month period thereafter, files with the Director a verified report containing the following information which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by the Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by the Applicant, and the nature and purpose of such consumption;

(d) A statement that all of the facts set forth in the original application for exemption filed June 14, 1937, remain true and correct.

2. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant or factory or other facilities at which the coal is consumed;

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order.

*It is further ordered*, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of June 6, 1938, should not be terminated. Any persons filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated: November 18, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-4981; Filed, November 19, 1940;  
11:46 a. m.]

[Docket Nos. A-100, A-193, A-274, A-345]

PETITIONS OF HATFIELD-CAMPBELL CREEK COAL COMPANY; DIXPORT COAL COMPANY; KANAWHA & HOCKING COAL & COKE COMPANY; KELLEY'S CREEK COLLIERY COMPANY; FOR MODIFICATION OF EFFECTIVE MINIMUM PRICES FOR SHIPMENT TO SPECIFIED CONSUMERS IN CHARLESTON, WEST VIRGINIA AND VICINITY

NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-274 AND DOCKET NO. A-345 AND POSTPONING HEARING IN DOCKET NO. A-100 AND DOCKET NO. A-193 AND CONSOLIDATING ALL CAUSES FOR HEARING

Petitions pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties; and there being good and sufficient reason for the consolidation of the causes for the purpose of hearing;

*It is ordered* That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on December 11, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. The hearing in Docket No. A-100 and Docket No. A-193, heretofore set for November 26, 1940, is postponed until the above date and the four causes are consolidated for the purpose of hearing. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered* that W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is

sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 6, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petitioners' request for permission to sell coal to specified industrial consumers located in or near Charleston, West Virginia at prices below the effective minimum prices for such shipments, in view of the exemption from prices which is now operative as to certain competitors of the petitioners for shipment to the consumers.

Dated November 18, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-4976; Filed, November 19, 1940;  
11:44 a. m.]

[Docket Nos. A-185, A-265]

PETITION OF THE ALBUQUERQUE AND CER-  
RILIOS COAL COMPANY, PRAYING FOR RE-  
LIEF IN MAKING CERTAIN PRICES APPLICA-  
BLE ONLY TO SHIPMENTS OF COAL FOR USE  
BY THE FEDERAL GOVERNMENT AND AGEN-  
CIES THEREOF WHEN SHIPPED FROM SUB-  
DISTRICT 2 OF DISTRICT NO. 18 INTO MAR-  
KET AREAS 228 IN NEW MEXICO, 229, 232  
AND 236; PETITION OF BITUMINOUS COAL  
PRODUCERS BOARD FOR DISTRICT NO. 18  
FOR CHANGES IN THE CLASSIFICATIONS  
AND MINIMUM PRICES FOR COALS PRO-  
DUCED AND SOLD IN DISTRICT NO. 18

NOTICE OF AND ORDER FOR HEARING

Petitions pursuant to the Bituminous Coal Act 1937, having been duly filed with this Division by the above-named parties;

*It is ordered*, That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on November 29, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW, Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Chas. S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant

or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to these proceedings may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 25, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to modification of effective minimum prices in the instance of coal offered for sale or sold to the United States of America and agencies thereof for use within Market Areas 228 (in New Mexico), 229, 232 and 236.

Dated: November 18, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-4974; Filed, November 19, 1940;  
11:44 a. m.]

[Docket No. A-250]

PETITION OF CONSOLIDATION COAL COM-  
PANY, INC., FOR AN ORDER PERMITTING IT  
TO SELL, FOR A PERIOD OF SIXTY DAYS,  
2" x 0 NUT SLACK FROM ITS MINE NO.  
123, LOCATED IN DISTRICT NO. 1, FOR  
SHIPMENT BY RAIL OR VIA TIDEWATER,  
TO FOUR SPECIFIED CONSUMERS LOCATED  
IN MARKET AREA NO. 2 AT THE MIN-  
IMUM PRICE FOR 3/4" x 0 SLACK

MEMORANDUM OPINION AND ORDER CONCERN-  
ING TEMPORARY RELIEF AND PROVIDING  
CONDITIONALLY FOR FINAL RELIEF

An original petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, was filed on October 26, 1940, with the Division by Consolidation Coal Company, Inc., a Code member in District No. 1, requesting the Director to issue an order permitting it to sell for a period of approximately sixty days from the date of the filing of

the petition herein, while installing a secondary crusher, 2" x 0 nut slack from petitioner's Mine No. 123, located in District No. 1, for shipment to four specified consumers in Market Area 2 by rail or via tidewater, at the minimum price for 3/4" x 0 slack.

On November 4, 1940, an informal conference concerning the matter of relief in the above-entitled matter was held pursuant to § 301.106 (d) of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The conference was held on telegraphic notice to the Statistical Bureau for District No. 1, the Bituminous Coal Producers' Board for District No. 1, and to the petitioner. Notice was also given to the Consumers' Counsel Division. The petitioner and the District Board were instructed to notify interested Code members of the conference, and the Statistical Bureau was instructed to post the notice conspicuously.

Represented at the conference were the original petitioner; the District Board for District No. 1; and the Davis Coke and Coal Company, a producer in District No. 1.

Petitioner represented that it had been supplying 2" x 0 nut slack for the past several years to the following consumers: General Electric Company, Pittsfield, Massachusetts; Essex County Hospital, Overbrook, New Jersey; National Sugar Refining Company, New York, New York; and the Municipal Electric Light Plant, Hagerstown, Maryland. Petitioner withdrew its request for relief for shipments to the Municipal Electric Light Plant.

Petitioner further represented that its No. 123 Mine produces primarily 2" nut slack and that it has a primary crusher (the minimum setting of which is 2") by which it can reduce its 2" lump to 2" nut slack. From the dealer mine run and the crushed nut slack the petitioner makes a limited quantity of 3/4" slack. Owing to the friability of the coal there has been no substantial demand for its plus 3/4" coal. Because of competition the petitioner represented that it had found it necessary to furnish standard 3/4" slack up to its producing ability and to obtain the customer's approval to substitute 2" x 0 nut slack as petitioner's balancing needs required. The petitioner is now in the process of installing a secondary crusher in order to make 3/4" slack and the relief sought herein is to substitute the 2" x 0 nut slack on the 3/4" slack accounts until this secondary crusher is installed and operating.

The General Electric Company Plant is a pulverized fuel installation and it appears that the larger sized coal represents no premium in value to this consumer. It also appears that this consumer actually prefers the 3/4" x 0 slack to the 2" x 0 slack and no premium has been paid for the larger size. The Essex County Hospital appears to purchase its coal on public bid based upon the cost per million

B. t. u.'s calculated on the B. t. u.'s for  $\frac{3}{4}$ " x 0 slack. The agreement is a premium penalty contract but the price in no event is below the minimum prescribed by law for the size and class of coal purchased. It appears that the 2" x 0 slack has in experience under the contract represented no premium in value to this consumer. The National Sugar Refining Company operates multiple retort stokers equipped with pre-heated air and it does not appear that 2" x 0 coal is more valuable to this consumer than  $\frac{3}{4}$ " x 0 coal of the same class.

It appears that the Division heretofore granted substitution permits allowing the petitioner to substitute its 2" x 0 nut slack on its  $\frac{3}{4}$ " x 0 orders from these specified consumers. These permits expired on November 5, 1940.

Both the Davis Coal and Coke Company and District Board No. 1 opposed the granting of temporary relief on the ground that other petitions requesting similar relief might be filed and that substitution permits should be requested in accordance with the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal by Code Members, rather than in a proceeding pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. District Board No. 1 had no objection to the granting of the relief requested by the petitioner for a period not to exceed thirty days and although it had not investigated the situation it was of the opinion that sixty days was an unreasonable length of time for the installation of a crusher. Subsequent to the conference the District Board filed a petition of intervention requesting that in the event relief was granted it should apply for a period not in excess of thirty days.

The Director is of the opinion that the temporary relief requested appears to be necessary to preserve existing fair competitive opportunities and that the petition was properly filed pursuant to section 4 II (d) of the Act; that a reasonable necessity for the relief requested by the petitioner has been shown; that no other producer will be prejudiced if such relief is granted; and that the petitioner should be permitted to ship 2" nut slack at the minimum price for  $\frac{3}{4}$ " x 0 slack, until December 25, 1940, or until the contemplated secondary crusher is installed in operating condition, whichever is sooner, from petitioner's Mine No. 123 (Mine Index No. 17) located in District No. 1, for shipment to General Electric Company, Pittsfield, Massachusetts; Essex County Hospital, Overbrook, New Jersey; and National Sugar Refining Company, New York, New York.

Notice is hereby given that the temporary relief herein granted shall become final, for the limited period indicated, unless applications to stay, terminate, or modify such temporary relief are filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Pro-

ceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 on or before December 5, 1940.

Accordingly, it is so ordered.  
Dated: November 18, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-4978; Filed, November 19, 1940;  
11:45 a. m.]

[Docket No. A-288]

PETITION OF THE INDIAN POCOHONTAS COAL COMPANY, A CODE MEMBER IN DISTRICT 7, FOR MODIFICATION OF MINIMUM PRICES IN SIZE GROUPS 6 THROUGH 9

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 9, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 4, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern,

in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to petitioner's request that the effective minimum prices for its coal be reduced to \$2.50 per ton for Size Group 6, \$1.95 per ton for Size Group 7, \$1.65 per ton for Size Group 8, and \$1.60 per ton for Size Group 9.

Dated: November 18, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-4973; Filed, November 19, 1940;  
11:44 a. m.]

[Docket No. 1478-FD]

APPLICATION OF KEYSTONE PUBLIC SERVICE COMPANY FOR EXEMPTION

NOTICE OF AND ORDER FOR HEARING

An application, pursuant to the provisions of the second paragraph of section 4-A of the Bituminous Coal Act of 1937, having been filed by the above-named party with the Bituminous Coal Division;

*It is ordered*, That a hearing on such matter be held on December 17, 1940, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at said hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such applicant and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before December 14, 1940.

The matter concerned herewith is in regard to the application filed by the

## FEDERAL REGISTER, Wednesday, November 20, 1940

Keystone Public Service Company for exemption from the provisions of section 4 of the Bituminous Coal Act of 1937. The applicant alleges that it is producing coal from certain coal leases held by it in Clarion County, Pennsylvania, and that the coal so produced is consumed in the generation of electric current at its power plant located in Venango County, Pennsylvania; and applicant alleges that such coal so consumed is exempt from the provisions of section 4 of the Bituminous Coal Act of 1937 by virtue of section 4 II (1) thereof.

Dated, November 18, 1940.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 40-4975; Filed, November 19, 1940;  
11:44 a. m.]

## DEPARTMENT OF AGRICULTURE.

## Farm Security Administration.

DESIGNATION OF LOCALITIES IN PARISH OF CALDWELL, STATE OF LOUISIANA, IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 23, 1940, loans made in Caldwell Parish, Louisiana, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with provisions of those rules and regulations. There follow a description of the localities and the determination of value for each of those localities:

Locality I: Value  
Ward Numbers 1, 2, 7, and 8----- \$3,325

Locality II: Value  
Ward Numbers 3, 4, 5, 6, 9, and 10--- 1,282

Approved November 7, 1940.

[SEAL] C. B. BALDWIN,  
Administrator.

[F. R. Doc. 40-5000; Filed, November 19, 1940;  
12:03 p. m.]

DESIGNATION OF LOCALITIES IN COUNTY OF ALLEGAN, STATE OF MICHIGAN, IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 23, 1940, loans made in Allegan County, Michigan, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with

provisions of those rules and regulations. There follow a description of the localities and the determination of value for each of those localities:

Locality I: Value  
Townships of Allegan, Dorr, Hopkins, Leighton, and Monterey; City of Allegan----- \$5,341

Locality II: Value  
Townships of Cheshire, Gunplain, Martin, Otsego, Trowbridge, Watson, and Wayland; City of Otsego----- 4,879

Locality III: Value  
Townships of Fillmore, Laketown, Overisel, and Salem----- 4,761

Locality IV: Value  
Townships of Casco, Ganges, and Saugatuck----- 6,573

Locality V: Value  
Townships of Clyde, Heath, Lee, Manlius, and Valley----- 4,390

Approved November 7, 1940.

[SEAL] C. B. BALDWIN,  
Administrator.

[F. R. Doc. 40-4999; Filed, November 19, 1940;  
12:03 p. m.]

## DEPARTMENT OF COMMERCE.

## Bureau of Marine Inspection and Navigation.

[Order No. 64]

NOTICE OF EXECUTIVE COMMITTEE MEETING OF THE BOARD OF SUPERVISING INSPECTORS AND OF PUBLIC HEARING IN REGARD TO PROPOSED REGULATIONS FOR MOTORBOATS AND CERTAIN OTHER VESSELS

NOVEMBER 19, 1940.

Pursuant to the authority conferred by section 4405, R.S., I hereby call a meeting of an Executive Committee of the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; George Fried, Supervising Inspector of the Second District, New York; and R. E. Coombs, Supervising Inspector of the Fifth District, Pittsburgh, to take place in the office of the Director in the Department of Commerce, commencing at 9 a. m., December 2, 1940, for the purpose of considering regulations required by the act of April 25, 1940, for motorboats and certain vessels propelled by machinery other than by steam more than 65 feet in length; miscellaneous amendments to the General Rules and Regulations; approvals of miscellaneous items of equipment for use on inspected vessels; and such other business as may come before the meeting.

A public hearing will be held at 10 a. m., December 2, 1940, in the auditorium of the Department of Commerce for the purpose of considering written and oral comments of interested parties on the proposed motorboat regulations.

[SEAL] JESSE H. JONES,  
Secretary of Commerce.

[F. R. Doc. 40-4968; Filed, November 19, 1940;  
10:17 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-198]

IN THE MATTER OF VIRGINIA PUBLIC SERVICE COMPANY; VIRGINIA PUBLIC SERVICE GENERATING COMPANY; THE HAMPTON TOWING CORPORATION; THE HARPERS FERRY PAPER COMPANY; MIDDLE VIRGINIA POWER COMPANY; SOUTHEASTERN ELECTRIC AND GAS COMPANY

## NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of November, A. D. 1940.

The above named companies having made filings pursuant to the Public Utility Holding Company Act of 1935 concerning the following proposed transactions:

(a) The merger of Virginia Public Service Generating Company, The Hampton Towing Corporation, The Harpers Ferry Paper Company and Middle Virginia Power Company into Virginia Public Service Company, the four companies to be merged being presently wholly-owned subsidiaries of Virginia Public Service Company, the mergers being effected by the acquisition of assets by Virginia Public Service Company in consideration for the assumption by it of all the liabilities of the merged companies and the surrender to each subsidiary company of its common capital stock for cancellation;

(b) The acquisition by Virginia Public Service Company of \$1,200,000 principal amount of its First Mortgage and Refunding 20 Year 5% Gold Bonds, Series B, from Southeastern Electric and Gas Company in consideration of (i) all the common stock of Eastern Shore Public Service Company (Del.) owned by Virginia Public Service Company, (ii) \$14,000 in cash, and (iii) the payment in cash of all accrued and unpaid interest on such bonds to date of delivery to Virginia Public Service Company;

(c) The issuance and private sale by Virginia Public Service Company of \$28,000,000 First Mortgage Bonds 3 3/4% Series due 1970 and \$8,500,000 Serial Debentures, it being represented that the proceeds to be derived from such sale is to be used to redeem all of the outstanding indebtedness, other than current obligations, of Virginia Public Service Company and Virginia Public Service Generating Company;

(d) The surrender by Virginia Public Service Company to the respective trustees under the mortgage indentures of its First and Refunding Mortgage and other mortgages of all such bonds now held in its treasury together with the \$1,200,000 principal amount of its First Mortgage and Refunding 20 Year 5%

Gold Bonds Series B to be acquired from Southeastern Electric and Gas Company;

*It is ordered*, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on November 27, 1940 at 10 o'clock in the forenoon of that day at the Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such applicants and to any other per-

son whose participation in such proceedings may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 25, 1940.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-4989; Filed, November 19, 1940;  
11:54 a. m.]

ScdD